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A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

ORIGINAL
FILE

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September 9, 1992

Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

RECEIVED

SEP - 9 1992

Re: Notice of Ex Parte Presentations
CC Docket No. 92-90

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Searcy:

Pursuant to the requirements of Section 1.1206 of the Commission's Rules, we are submitting the original and one copy of this disclosure of an oral ex parte presentation on behalf of Household International regarding the Telephone Consumer Protection Act of 1991 (CC Docket No. 92-90). That presentation was made to the Office of Commissioner Andrew C. Barrett on September 2, 1992.

The issues addressed by the presentation are reflected in the attached pre-meeting letter from the undersigned to Commissioner Barrett's office. This disclosure and the attachment should be included in the public record of CC Docket No. 92-90.

Should any questions arise regarding this matter, please communicate with the undersigned member of this firm.

Sincerely,

SANTARELLI, SMITH & CARROCCIO

By: 

A. Thomas Carroccio

Counsel for
Household International

cc: Ms. Madelon Kuchera
Office of Commissioner Barrett

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Ms. Madelon Kuchera
Special Advisor to Commissioner Andrew C. Barrett
Federal Communications Commission
1919 M Street, N.W.
Room 844
Washington, D.C. 20554

Dear Ms. Kuchera:

Household International ("Household") appreciates your providing the opportunity to discuss the issues in Common Carrier Docket No. 92-90, the Commission's pending proceeding which seeks to implement the Telephone Consumer Protection Act of 1991 ("TCPA"). Household's representatives look forward to meeting with you at 4:00 p.m. on September 2, 1992.

Household will be represented at tomorrow's meeting by the following individuals:

Anne G. Walters, Director of Research and Development for Household Financial Network, and Chairperson of Household International's Telemarketing Task Force.

J. Denis O'Toole, Vice President of Household International.

Toni A. Bellissimo, Federal Government Relations Manager for Household International.

A. Thomas Carroccio, Santarelli, Smith & Carroccio.

Donald E. Santarelli, Santarelli, Smith & Carroccio.

While Household's representatives will be prepared to discuss all aspects of the TCPA proceeding, there are certain issues to which we will seek to direct the Commission's particular attention. Those issues are as follows:

1. Use of Predictive Dialers. Although the TCPA fails to distinguish between calls randomly originated by "auto dialers" and calls directed to specific, pre-screened parties by "predictive dialers", the Commission has recognized such differences.

SANTARELLI, SMITH & CARROCCIO

Ms. Madelon Kuchera
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Household urges the Commission to maintain the distinction between these call origination methods when promulgating the rules mandated by TCPA.

2. Debt Collection Calls.

(a) It is necessary for the Commission to accommodate the requirements of the Fair Debt Collection Practices Act (15 U.S.C. §1692c) when promulgating telemarketing identification requirements.

(b) It is necessary for the Commission to articulate a clear, specific exemption allowing the utilization of predictive dialers for debt collection calls. This exemption should not be dependent upon the presently proposed "business relationship" exemption.

3. Affiliated Companies and Products. Household, through its several subsidiaries, offers American consumers and businesses a broad range of financial products. The Commission should interpret the "prior business relationship" exemption so as to allow each of Household's various subsidiaries to initiate calls to parties with whom another subsidiary has a prior or existing business relationship.

4. Methods for Protecting the Privacy of Residential Telephone Subscribers. Of the five regulatory alternatives for protecting telephone subscriber privacy addressed in the NPRM, Household has determined that only company-specific suppression lists can provide effective privacy protection without undue burden or prohibitive expense.

If, prior to our scheduled meeting, you have any questions regarding Household's position on the various issues addressed in the TCPA proceeding, please do not hesitate to direct them to the undersigned member of this firm.

Sincerely,

SANTARELLI, SMITH & CARROCCIO

By:


A. Thomas Carroccio

Counsel for
Household International